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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,791	12/22/1999	CHARLES ROBERT KALMANEK JR.	2685/5248	5383
26652	7590	01/26/2007		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/469,791	<b>Applicant(s)</b> KALMANEK ET AL.	
	<b>Examiner</b> Melanie Jagannathan	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-27, 30, 32-34, 38-40, 42-45, 48, 49, 51-62 and 65-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27, 30, 32-34 is/are allowed.
- 6) ☒ Claim(s) 38-40, 42-45, 48-49, 51-62, 65-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- Examiner has considered Amendment filed 10/31/2006.
- Claims 25-27, 30, 32-34, 38-40, 42-45, 48-49, 51-62, 65-80 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 55, 56, 58-60, 65, 67-69, 74, 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Arango US 5,732,078.

Regarding claims 55, 58-60, 65, 67-68, 74, 76, the claimed reserving, for a particular call, packet network resources of a first network according to its own reservation policy and reserving packet network resources of a second network according to its own reservation policy is disclosed by first host part of a LAN subnetwork connected to first access point initiating call to second host part of a LAN subnetwork connected to second access point and host (Figure 5, h1) transmits request packet requesting for continuous bandwidth communications session and second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9,

Art Unit: 2616

column 7, lines 1-47, column 9, lines 27-40. The claimed second network being coupled to first network and reservation policies being different is disclosed by first and second host coupled through Internet backbone and host connected to different subnetworks where negotiation of sufficient bandwidth is needed to reserve proper resources for session.

The claimed reserving packet network resources of first network being based on an indication from calling party is disclosed by first host sending message packet including preferred bandwidth and quality of service for communication session. The claimed reserving packet network resources of second network being based on an indication from a called party is disclosed by second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9. The first and second networks being coupled to each other through third network is disclosed by first and second host coupled through Internet backbone and host connected to different subnetworks. See Figures 4-6. The indication from calling party and called party indicating a limit for packet network resources for first and second network respectively and for third network is disclosed by access points connected to hosts negotiate the setting up continuous bandwidth connection. See column 6, lines 1-40, column 13, lines 55-64.

The access points (Figure 6, elements 220 and 240) communicate on the WAN (element 230) at best effort level. The best service which is instantaneously available is provided. See column 9, lines 55-60. The host (element 210) wishing to initiate a session with host (element 250), a message requesting the session is sent to the OGB

Art Unit: 2616

server (element 228). In response to this, OGB server transmits the message via the WAN. The access points contain a connection negotiated between the hosts and a connection to the Internet backbone (the best effort WAN). See column 10, lines 58-67, column 11, lines 1-10 and column 13, lines 55-60.

Regarding claims 56 and 69, the claimed access network is television coaxial cable network and backbone packet network is packet telephony service is disclosed by subnetworks connected to access points by cable television access network and WAN (Figure 6, element 230) forming Internet backbone. See column 1, lines 53-56, column 6, lines 26-40, column 14, and lines 45-49.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2616

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 38-40, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango US 5,732,078.

Regarding claims 38, 39, 42, the claimed reserving, from a calling party over a first access packet network, a reserve message for a two-directional call and reserving, for the call, in response to the reserve message, packet network resources of the first access packet network for both directions of the call is disclosed by first host part of a LAN subnetwork connected to first access point initiating call to second host part of a LAN subnetwork connected to second access point and host (Figure 5, h1) transmits request packet requesting for continuous bandwidth communications session and second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9, column 7, lines 1-47, column 9, lines 27-40.

The claimed reserving for the call, in response to the reserve message, packet network resources of a backbone packet network is disclosed by access points (Figure 6, elements 220 and 240) communicate on the WAN (element 230) at best effort level. The best service which is instantaneously available is provided. See column 9, lines 55-60. The host (element 210) wishing to initiate a session with host (element 250), a message requesting the session is sent to the OGB server (element 228). In response to this, OGB server transmits the message via the WAN. Examiner interprets this as

the sending of message causes the best service to be provided to message for transmission over the WAN to the called host. The access points contain a connection negotiated between the hosts and a connection to the Internet backbone (the best effort WAN). See column 10, lines 58-67, column 11, lines 1-10 and column 13, lines 55-60.

The claimed backbone network coupled to the first access packet network is disclosed by first and second host coupled through Internet backbone and hosts connected to different subnetworks. See Figures 4-6.

Arango disclose best effort bandwidth allocated over WAN. Arango does not explicitly disclose reserving for the call, resources of backbone network for only one direction of call. At the time it would have been obvious to a person of ordinary skill in the art to modify the best service provided to the access points to be reserved for one direction of call at the time. One of ordinary skill in the art would be motivated to do this the ensure instantaneous availability of bandwidth when needed.

Regarding claims 40, 43, the claimed access network is television coaxial cable network and backbone packet network is packet telephony service is disclosed by subnetworks connected to access points by cable television access network and WAN (Figure 6, element 230) forming Internet backbone. See column 1, lines 53-56, column 6, lines 26-40, column 14, and lines 45-49.

5. Claims 44, 45, 48, 49, 51-54, 57, 70-71, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Roy US 6,081,513.

Regarding claims 48, 49, Arango discloses all of the limitations of the claims except for the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a multiple call basis. Roy discloses resource analysis algorithm to determine if there are sufficient resources to satisfy conference call between multiple users. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include resource reservation for conference calls as in Roy et al. One of ordinary skill in the art would be motivated to do this to provide sufficient quality of service for multiple users communicating in conference session. See column 2, lines 1-9 of Roy.

Regarding claims 44, 45, 51-54, 57, 70-71, 75, Arango discloses all of the limitations except for selecting a reservation policy from a plurality of reservation policies associated with the second network. Roy discloses reserving resources based on different levels of service where calls with higher priority would require a different reservation policy than a lower priority call. See column 6, lines 54-67, column 7, lines 1-35, 55-65. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include the plurality of reservation policies according to priority as in Roy. One of ordinary skill in the art would be motivated to do this for proper routing of communication with varying levels of quality of service. See column 1, lines 36-50 of Roy.

6. Claims 61-62, 66, 77-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Hin US 5,678,008.



Regarding claim 61, Arango discloses all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include CBR data service of Hin in order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

Regarding claim 62, the claimed access network is disclosed by Arango by television coaxial cable network and backbone packet network is packet telephony service is disclosed by subnetworks connected to access points by cable television access network and WAN (Figure 6, element 230) forming Internet backbone. See column 1, lines 53-56, column 6, lines 26-40, column 14, and lines 45-49.

Regarding claims 66, 77-80, Arango discloses all the limitations of the claims except for reservation policy for the first network relating to bi-directional capacity and the reservation policy for the second network relating to uni-directional and bi-directional capacity. Hin discloses setting up a call between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30. At the time the invention was made it would have been obvious to modify Arango to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do so to allocate sufficient resources for forward and reverse directions of communication.

Art Unit: 2616

7. Claims 72-73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arango and Roy in view of Hin.

Arango and Roy disclose all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango and Roy to include CBR data service of Hin in order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

***Allowable Subject Matter***

8. Claims 25-27, 30, and 32-34 are allowed.

Regarding claim 25, prior art of record does not disclose, in single or in combination, indication from the called party being communicated to the third packet via a second network edge device without being communicated via the first network edge device and being communicated independently of the indication communicated by the calling party in combination with other limitations of the claim.

Regarding claim 32, prior art of record does not disclose, in single or in combination, reserving the backbone resources for the transmit direction in response to the backbone receiving a first request to reserve the transmit direction capacity and reserving the backbone resources for the receive direction in response to receiving a second request to reserve the receive direction capacity, the first and second requests being received in first and second separate messages from respective network entities in combination with other limitations of the claim.

***Response to Arguments***

9. Applicant's arguments filed 10/31/2006 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-5:00 p.m.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie Jagannathan   
Patent Examiner  
Art Unit 2616

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

1/22/07